

Message Text

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ACTION NEA-12

INFO OCT-01 AF-10 EUR-25 EA-11 ADP-00 EB-11 IO-13 SS-15

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FM AMEMBASSY TRIPOLI

TO SECSTATE WASHDC 0369

INFO AMEMBASSY BEIRUT

AMEMBASSY LONDON

AMEMBASSY TOKYO

C O N F I D E N T I A L TRIPOLI 0993

E.O. 11652: GDS

TAGS: PINS, LY, XF, JA

SUBJECT: JAL HIJACKING

REF: STATE 146537

1. FBIS COVERAGE OF LIBYAN STATEMENTS RE LARG HANDLING OF THE HIJACKED JAL AIRCRAFT AND THE HIJACKERS IS ABOUT THE SUM TOTAL OF THE FACTS AVAILABLE TO THE EMBASSY AT PRESENT ON THESE SUBJECTS. NONETHELESS, THE LARG ANNOUNCEMENT THAT THE HIJACKERS WOULD BE TRIED HERE SENT US TO THE CITED LAW NO. 148 OF 1972, AND WE BELIEVE THE APPROPRIATE PASSAGE THEREIN IS AS FOLLOWS:

QUOTE

ARTICLE 4

THE CRIME OF ROBBERY BY FORCE AND THE CONDITIONS WHICH MUST APPLY FOR SOMEONE TO COMMIT IT:

1 - THE CRIME OF ROBBERY BY FORCE IS COMMITTED IN
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EITHER OF THE FOLLOWING TWO CONDITIONS:

(A) SEIZURE OF THE PROPERTY OF OTHERS BY FORCE.

(B) COMMISSION OF HIGHWAY ROBBERY AND/OR INTERRUPTING FREEDOM OF MOVEMENT WITH THE INTENT TO FRIGHTEN.

2 - THE TWO AFOREMENTIONED CONDITIONS APPLY IF ARMS OR ANY THREAT, PHYSICAL OR OTHERWISE, IS USED.

3 - IF THE ROBBERY BY FORCE WAS COMMITTED IN PUBLIC, THEN THE VICTIM MUST HAVE BEEN UNABLE TO OBTAIN HELP OR RESCUE.

4 - THE PERPETRATOR MUST HAVE BEEN SANE, AT LEAST EIGHTEEN YEARS OF AGE, ACTING BY CHOICE, AND NOT UNDER DURESS.

ARTICLE 5

THE PENALTY FOR ROBBERY BY FORCE

THE PENALTY SHALL BE AS FOLLOWS:

(A) DEATH IF KILLING ACCOMPANIED THE ATTEMPT AT SEIZURE OF PROPERTY, WHETHER OR NOT SUCCESSFUL.

(B) AMPUTATION OF THE RIGHT HAND AND THE LEFT FOOT IF THE THEFT OCCURRED WITHOUT KILLING.

(C) IMPRISONMENT IF ONLY FEAR RESULTED FROM THE ATTEMPT AT ROBBERY BY FORCE. END QUOTE.

2. ONE KEY TO THE PROSECUTION'S CASE WOULD APPEAR TO BE HOW THE DEATH OF THE FEMALE HIJACKER IS INTERPRETED. IF HER DEATH IS VIEWED AS BEING THE RESULT OF HIJACKING, THE DEFENDANTS WOULD BE ELIGIBLE FOR DEATH PENALTY OR LOSS OF LIMBS. IF THE DEATH OF THE FEMALE HIJACKER IS DECLARED IRRELEVANT TO THE CASE SINCE SHE WAS ONE OF THE PERPETRATORS, A PRISON SENTENCE WOULD SEEM TO

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BE ALL THAT IS CALLED FOR.

3. EMBOFF HAS AN APPOINTMENT FOR 1 AUGUST WITH JAPANESE CHARGE WANIBUCHI, AND WE MAY BE ABLE TO GET A READING THEN ON WHETHER THERE HAS BEEN PROGRESS ON IDENTIFICATION OF THE KIDNAPPERS. AS OF JULY 30 HE DID NOT KNOW THEIR IDENTITIES, WE UNDERSTAND FROM BRITISH AMB AND DUTCH CHARGE. WANIBUCHI HAS BEEN IN PARTICULARLY

CLOSE TOUCH WITH THE BRITISH AS, LACKING HIS OWN
FACILITIES HE HAS BEEN USING UK COMMUNICATIONS.
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